

**To:** McCoy, Melinda[McCoy.Melinda@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**Cc:** Snyder, Shannon[snyder.shannon@epa.gov]  
**From:** Evans, Diane  
**Sent:** Thur 8/13/2015 2:58:12 PM  
**Subject:** RE: STATUS? ==> Re: Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

Looks good – there's a possibility I could be done tomorrow, but I'm just fixin' to start my scanning all those old biological evaluations on Texas UAAs (probably about 50, plus a dozen + WERs).

It may better for me to scan now, but do all the uploading next week (so that our R6 response is consistent and I won't spend my brain power trying to sort out what I already did...)

I think I can finish by next week.

**From:** McCoy, Melinda  
**Sent:** Thursday, August 13, 2015 9:53 AM  
**To:** Nelson, Russell; Evans, Diane  
**Cc:** Snyder, Shannon  
**Subject:** RE: STATUS? ==> Re: Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

Hi Russell and Diane,

What do you think about this draft response to Greg?

•□□□□□□□ Will you have additional information and documents ready for another interim release?

R6 won't have anything ready for another interim release, but will have responsive documents.

•□□□□□□□ Why do you need more time? (e.g., need to retrieve responsive information from the national archives.)

R6 staff have been pulled away since Friday (8/7) to respond to the Gold King mine spill.

- When do you think you'll be finished collecting the responsive information?

8/21/2015 (i.e., a 1-week extension)

Thanks,

Melinda

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Melinda McCoy, Environmental Scientist

Water Quality Standards Program

USEPA Region 6 (6WQ-EW)

1445 Ross Ave., Ste. 1200

Dallas, TX 75202

214-665-8055 (phone)

214-665-6689 (fax)

[mccoy.melinda@epa.gov](mailto:mccoy.melinda@epa.gov)

**From:** Stapleton, Gregory

**Sent:** Wednesday, August 12, 2015 4:15 PM

**To:** OW-OST-WQS-Coordinators; OW-OST-WQS-Brchiefs

**Cc:** OW-OST-SHPD-WQS-HQ

**Subject:** STATUS? ==> Re: Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

Hi Everyone,

Do you expect to finish gathering information responsive to EA's FOIA request by this Friday 8/14/15?

Some of you have already expressed a need for more time. I plan to ask the requestor an extension. If your region needs more time, please let me know the following:

- ☐ Will you have additional information and documents ready for another interim release?
- ☐ Why do you need more time? (e.g., need to retrieve responsive information from the national archives.)
- ☐ When do you think you'll be finished collecting the responsive information?

Thanks!

Greg

Gregory A. Stapleton, P.E. | Office of Science and Technology | Standards & Health Protection Division  
202.566.1028 | [stapleton.gregory@epa.gov](mailto:stapleton.gregory@epa.gov)

**From:** Stapleton, Gregory  
**Sent:** Thursday, July 30, 2015 10:48 AM  
**To:** OW-OST-WQS-Coordinators <[OWOSTWQSCoordinators@epa.gov](mailto:OWOSTWQSCoordinators@epa.gov)>  
**Cc:** OW-OST-SHPD-WQS-HQ <[OWOSTSHPDWQSHQ@epa.gov](mailto:OWOSTSHPDWQSHQ@epa.gov)>; OW-OST-WQS-Brchiefs <[OWOSTWQSBrchiefs@epa.gov](mailto:OWOSTWQSBrchiefs@epa.gov)>  
**Subject:** Scope is States-Only ==> Re: Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

I just confirmed with Environmental Advocates that they're interested in states only – not tribes or territories.

**From:** Gregory Stapleton  
**Date:** Wednesday, July 29, 2015 at 4:15 PM  
**To:** OW-OST-WQS-Coordinators  
**Cc:** OW-OST-SHPD-WQS-HQ, OW-OST-WQS-Brchiefs  
**Subject:** Clarifications ==> Re: Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

Some of you had questions so I thought I'd share...

- *Do we need to provide information responsive to Item 4 for tribes? Items 1 and 2 specifically address WQS for states, while the others do not.* I will follow-up with the the requestor to clarify.
- *For Item 3, do we include concurrence letters from FWS and NMFS? Yes.*

Stay tuned...

**From:** Gregory Stapleton

**Date:** Tuesday, July 28, 2015 at 3:19 PM

**To:** OW-OST-WQS-Coordinators

**Cc:** OW-OST-SHPD-WQS-HQ, OW-OST-WQS-Brchiefs

**Subject:** Re: Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

IMPORTANT: One correction on item 5 regarding the email address highlighted below.

**From:** Gregory Stapleton

**Date:** Tuesday, July 28, 2015 at 1:39 PM

**To:** OW-OST-WQS-Coordinators

**Cc:** OW-OST-SHPD-WQS-HQ, OW-OST-WQS-Brchiefs

**Subject:** Environmental Advocates FOIA Request - Need Responsive Documents by 8/14/15

Hi Everyone,

Environmental Advocates (EA) submitted a FOIA request for documents related to ESA consultation. **Please upload any responsive information to my OneDrive by August 14<sup>th</sup>.** The table below presents each request item, what we plan to provide, and **what we need from you**. Please email me when you've completed providing responsive information – or if you have any questions.

Thanks!

Greg

### EA's Request Item

1. Please provide any and all documents (electrical or hard copy, including E-mail messages) discussing, documenting, memorializing, or otherwise concerning proposed Water Quality Standards submitted by states for approval pursuant to 33 U.S.C. §1313(c) where more than 90 days have passed since the submission and EPA has not yet approved or disapproved the submitted Water Quality Standards

### What we plan to provide/What we need from you

In the interim release ([here](#)) we provided a list of backlog submissions that was generated from WATA.

No additional regional research should be needed.

[note: if any one document or set of documents identify the submitted Water Quality Standards in issue, when the state submitted them and the current status of EPA's approval or disapproval of such Water Quality Standards, EPA may provide only such document or documents in response to this request].

2. Please provide any and all documents (electrical or hard copy, including E-mail messages) discussing, documenting, memorializing, or otherwise concerning any EPA issuance of proposed Water Quality Standards for any state pursuant to 33 U.S.C. §1313(b) that EPA has not issued in final form, and where more than 90 days have passed since the issuance of the proposed Water Quality Standards. Please also be sure to include the most recent correspondence, memos, or other documentation indicating the status of this approval. and EPA has not yet approved or disapproved the submitted Water Quality Standards

We plan to provide a listing of WQSs proposed by EPA. This listing will include the WQSs being proposed, the proposal date, and the current status of the proposal.

Please identify and provide information for all WQSs proposed by EPA for your region using the online spreadsheet ([here](#)). The spreadsheet includes columns for the proposal date and the proposal's

[note: if any one document or set of documents identify the submitted Water Quality Standards in issue, when EPA proposed them and the current status of EPA's final approval or disapproval of such Water Quality Standards, EPA may provide only such document or documents in response to this request].

3. Please provide any and all biological opinions issued

We provided about 40

by the U.S. Fish & Wildlife Service (“USFWS”) or National Marine Fisheries Service (“NMFS”) addressing EPA approval or issuance of Water Quality Standards pursuant to 33 U.S.C. §1313(c) since January 1, 1999.

documents in the interim release. We plan to include any additional documents in the final release.

4. Please provide any and all documents (electrical or hard copy, including E-mail messages) discussing, documenting, memorializing, or otherwise concerning any requests for or initiation of Endangered Species Act section 7 consultation with the USFWS or NMFS relating to approval or issuance of Water Quality Standards pursuant to 33 U.S.C. §1313(c) since January 1, 1999

Please upload all additional biological opinions to your region’s folder (here).

We plan to provide a list of WQS submissions subject to ESA consultation along with dates the consultations were initiated and completed.

[note: if any one document or set of documents identify the submitted Water Quality Standards in issue, when ESA section 7 consultation was requested or initiated (as the case may be) and the current status of the ESA section 7 consultation, EPA may provide only such document or documents in response to this request. Additionally, EPA need not provide any documents related to such ESA section 7 consultation if such consultation resulted in a biological opinion that EPA provides EcoRights a copy of pursuant to request item no. 3].

Please update the list (here) with dates the consultations were initiated and completed.

Also, please add information for any missing submissions. (We used WATA to start the list using submissions approved subject to ESA consultation. However, WATA doesn’t capture the dates when ESA consultation was initiated or completed nor does it identify submissions where consultation was completed before approval.)

5. Please provide copies of the following:

(a) all documents which reflect the cutoff date established by EPA for purposes of its search for documents responsive to this request,

We plan to provide copies of emails responsive to Item 5. To make this task easier, please include my email address (stapleton.gregory@epa.gov) in the “To” or “CC” line of all emails referring to this information request. Please email me any other responsive documents as attachments.

(b) all documents which reflect the identity of the EPA staff who searched for documents responsive to this

request, the instructions given to the staff concerning their searches for such documents, the dates they were requested or instructed to begin their search, any instructions given to the staff concerning when EPA's response to this request is due, and the dates NMFS staff completed their searches, and

(c) all documents which reflect any instructions given to EPA staff concerning what documents to withhold in response to this request.

**Gregory A. Stapleton, P.E.** | Office of Science and Technology | Standards & Health  
Protection Division  
202.566.1028 | [stapleton.gregory@epa.gov](mailto:stapleton.gregory@epa.gov)